

REMARKS

Claims 22-46, and 48-50 are all the claims pending in the application. By this Amendment, Applicants cancel claim 47 without prejudice or disclaimer, and add new claims 49 and 50.

Submission of verified English translation of the priority document

Concurrent with this Amendment, in order to expedite prosecution, Applicants are submitting a verified English translation of the priority document (Japanese Patent Application No. 2004-093549 filed March 26, 2004) to perfect priority.

Incomplete Office Action

Applicants submit that the current Office Action is incomplete. For example, MPEP 707.07(f) states that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it”. In the previous Amendment filed October 14, 2008 (hereinafter, “the previous Amendment”, it was submitted that the Kung reference does not teach or suggest the features recited in claim 35 (see previous Amendment, page 33, last paragraph to page 34, first full paragraph). In the current Office Action, the Examiner maintains his reliance on Kung to teach the features of claim 35 (Office Action, page 16, last paragraph to page 17, first full paragraph). However, the previously submitted arguments with respect to claim 35 are not addressed in the current Office Action. Therefore, the current Office Action is incomplete. Accordingly, Applicants respectfully request the Examiner to address the previously submitted arguments.

Claim Rejections - 35 USC § 103

Claims 22-26, 28, 30-33, 37-39, and 41-44 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Waxman (US 2006/0146705) in view of Bender (US 6920504). Claims 27, 29 and 34 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Waxman in view of Bender, further in view of Smith et al. (US 7315563), herein referred as Smith. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Waxman in view of Bender, further in view of Kung et al. (US 2006/0141952), herein referred as Kung. Claim 40 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Waxman in view of Bender and further in view of Borean et al. (US 2006/0206552), herein referred as Borean. Claim 45-48 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Waxman in view of Bender and further in view of Sang et al. (US 7230991).

For *at least* the following reasons, Applicants respectfully traverse the rejection.

PERFECTING PRIORITY

As noted above, concurrent with this Amendment, Applicants are submitting a verified English Translation of the priority document (Japanese Patent Application No. 2004-093549) in order to perfect priority. Because the priority date of the present application is March 26, 2004, and Waxman's earliest effective U.S. filing date is December 31, 2004, which is after the priority date of the present application, Waxman is effectively removed as prior art as applied to the present application.

Since the Examiner acknowledges that Bender alone does not disclose all the features of claims 22-26, 28, 30-33, 37-39, and 41-44, and because Waxman is not valid prior art, Applicants submit that these claims contain allowable subject matter.

The remaining claims, namely claims 27, 29, 34-36, 40, 45, 46, and 48 are patentable *at least* by virtue of their dependency.

Since claim 47 has been canceled, the rejection thereto is rendered moot.

New Claims

New claims 49 and 50 are patentable for *at least* reasons similar to those given above with respect to claims 22 and 42, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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